1946.

File No. L. Mines 46

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Examined

Legal **DEPARTMENT**

E **BRANCH**

Subject:—

Mining Leases

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File No. L. Mines/46

Std. Sects. Slip 44 15 c.

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Letter

To

The Collector of Dharwar.

No.10600-G/39. Bombay, 13th July 1946.

Reference your letter, No.R.E.V.782, dated 7th February 1946. The accompanying draft mining lease as revised by the ~~Solicitor~~ Solicitor to Government in the Legal Department is approved. In view of the modifications made by Government in the draft lease submitted by you it is desirable to get the revised draft lease approved by Messrs. Oakley, Duncan and Company, Limited, before execution. The tracing showing the mining area is returned herewith.

2. The lease will have to be stamped and registered. It should be executed by affixing the common seal of the Company and by signing the same in the manner provided by article 102 of the Articles of Association of the Company. You are authorised to execute the lease on behalf of Government.

3. You are requested to arrange for the printing of twelve copies of the lease and its counterpart at the Government Central Press. The plan ~~xx~~ of the leased area should be lithographed at the Government Photozinco Press, Poona.

4. One copy of the completed document should be sent to Government and another to the Solicitor to Government in the Legal Department.

5. The cost of printing the lease and lithographing the plans should, for the purpose of pro-forma accounts, be debited to the head "25-General Administration".

By order of the Governor of Bombay,

For Deputy Secretary to the Government of Bombay,
Revenue Department.

Accompaniment:- Draft lease and tracing.

Copies forwarded to --

the Commissioner, S.D. (with reference to his memorandum, No. R.E.V.503, dated 21st March 1946),
the Director of Industries,
the Solicitor to Government in the Legal Department,
the Superintendent, Government Printing and Stationery,
the Manager, Government Central Press,
the Manager, Government photozinco Press,
the Finance Department.

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Submitted.

2. A Mining Lease is to be granted to the Kanara Mining Syndicate for the extraction of Manganese ore from certain lands in Kanara District.

3. The draft lease submitted by the Collector for approval of Govt. is in the old form and the addition conditions incopporated (typed sheets) are those prescribed in the standard form of lease appended to the Bombay Mining ~~Concessions~~ Rules 1941. The draft lease as amended is submitted to the Solicitor to Gov for scrutiny.

4. The draft Mining lease has been compared with the New standard form of lease and as amended in penc as in order, subject to the following observations:-

1) The following clauses inserted in the draft leas do not appear in the standard form:-

i) The fatteriportion of clause 8 is not in accordance with clause 9 of the standard fo

ii) clause 5 of part III does not appear in standard form.

iii) clause 25 of part VI -do-

iv) clause 30 of part VII -do-

In para 3 of the R.D. note at p. 75, it is state that these additional conditions have been approved b the Syndicate (Lessees) and may be retained.

II) The ~~bond~~ "Government" has been substituted for the words "Secretary of State" wherever they occur in the draft lease.

5. In para 2 of its note at page 75, R.D. suggest that in the preamble (as amended) the words "Governme of Bombay" may be substituted for the words "Governor Bombay."

The substitution of the words "Government of Bom for the words "Governor of Bombay" cannot be accepted. The lease must be expressed to be made between in the Governor of Bombay of the one part and the ~~syndicate~~ of the other part.

6. In the revised preamble, the Kanara Mining Syndicate has been referred to as "The Kanara Mining company Ltd.," whereas from clauses 13 and 19 on pp. 9 and 10 respectively and from the use of the expression "Lessee" in the draft- it appears that the syndicate is an incorporated body. In order to clarify this point, R.D. may be requested to state whether the Kanara Mining syndicate has been now registered as a limited company under the Indian Company's Act 1913, before the draft lease is forwarded to the Advocate General for his approval.

TMGL 29/6 SBV

Before the draft lease can be approved it is necessary to know the status and compo constitution of the Kanara mining syndicate.

If it is a limited company the memorandum & Articles should be sent to this Department for the purpose of ascertaining its objects and also for drafting the testimonium clause in accordance with the relevant provisions of the Articles.

If it is a private partnership names of all the partnership partners constituting the same should be communicated to this Department to enable this Deptt to carry out the necessary alterations.

It appears that Kanara Mining Co Ltd is a limited Company. Suitable alterations may be made in the testimonium clause and R.D. may be requested to check the same with the relevant provisions in the Articles of that Co.

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Legal Department.

The draft mining lease as amended is in order.

2. As the draft is in a form which has previously been approved of by the Advocate General, it does not appear necessary to submit the draft to the Advocate General for approval. The note under rule 46 in the Mines Manual provide that the draft should be approved either by the Advocate General or some other legal adviser of Government.

23/7
Solicitor to Government,
Legal Department.

U.R. to R.D., No. 5185, dated the 23rd July 1946.

LDR.

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Letter

To

The Collector of Kanara.

No.9529-E/28- Bombay, 28th August 1946.

Reference your letter,No.S.79/14, dated 7th December 1945, regarding renewal of the mining lease granted to Messrs. Killick Nixon and Company, in respect of an area, admeasuring 80 acres of land, in Supa petha in Kanara district. The accompanying draft lease as amended in pencil by the Solicitor to Government in the Legal Department is approved. The Company should be informed that clause No.11 in Part VII of the draft lease providing for a weighing-machine cannot be deleted.

2. You are requested to arrange for the printing of twelve copies of the lease and its counterpart at the Government Central Press. The plan of the leased area should be lithographed at the Government Photozinco Press, Poona.

3. One copy of the completed document should be sent to Government and the other to the Solicitor to Government in the Legal Department.

4. The cost of printing the lease and lithographing the plans should, for the purpose of pro forma accounts, be debited to the head "25- General Administration".

By order of the Governor of Bombay,

For Deputy Secretary to the Government of Bombay,
Revenue Department.

Accompaniments:- Draft lease and tracing.

Copies to --

the Commissioner, S.D. (with reference to his memorandum, No.L.N.D.509, dated 31st December 1945),
the Chief Conservator of Forests,
the Conservator of Forests, S.C.,
the Director of Industries (with reference to his letter,No.Chem/110/86, dated 17th April 1946),
the Solicitor to Government in the Legal Department,
the Superintendent, Government Printing and Stationery,
the Manager, Government Central Press,
the Manager, Government Photozinco Press,
the Accountant General,
the Finance Department.

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